

IN The united States District Court  
middle District of Alabama

RECEIVED

Billy GAY AINS 161437

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V

3:05-CV-1228-MEF

Gwendolyn Mosley

Petitioner Appeal of MAGISTRATE  
ORDER ISSUED on 2-10-06

INTo this Court comes Billy AINS (AINS) by And Through  
himself And does APPEAL the order (Doc 14-1) Denying  
AINS motion For APPOINTment of Counsel. (Doc 10)  
AINS did Present AMPLE meritorious Factual claims  
to uphold this his Request For Counsel the Denial of  
APPOINTment of Counsel is in effect Denying The Petitioner's  
Right of PROCEDURAL due PROCESS And Adequate Access  
to Court in this his PERSUIT For Justice See  
McBRIDE v SHARPE 25-F3d 962 FH.3, Rules Plus FH.5-  
Rule 9(A)

All would now submit the Fact listed in (Doc 10) As well As  
The Following TRUE Fact.

A- AINS is A 52 year old Black man with A tenth (10th)  
GRADE Education.

- B - ALLS WAS ~~CONVICTED~~ PURSUANT TO A PLEA OF guilty entered by his trial Attorney Thomas Jones IN ACCORDANCE WITH AN ALLEGED PLEA AGREEMENT. TO CC-90-007 AN INDICTMENT FOR CAPITAL MURDER WITH AN INDICTMENT "CC-90-008" COUNT 1 MURDER COUNT 2 THEFT BEING DISMISSED. PLEA DATE ALLS WAS THEN SENTENCED ON Feb. 4, 91 TO TWO LIFE SENTENCE TO RUN CONSECUTIVELY FOR THE CRIME OF MURDER AND FOR A CRIME NOT INDICTED FOR ROBBERY 1<sup>st</sup> DEGREE."
- C - ~~ABSOLUTELY~~ NO EVIDENCE WAS PRESENTED TO THE COURT BY THE PROSECUTION DURING THE IMPROPER PLEA HEARING SEE *PARDUE V STATE* 502d AL. 2000) SAID PLEA HEARING HELD IN THE JUDGES CHAMBERS."
- D - ALLS DID NOT ATTACK HIS CONVICTION DUE TO THE MISTAKEN BELIEF IN ATTORNEY JONES ASSURANCE THAT HE WOULD BE RELEASED FROM PRISON AFTER ABOUT (8) EIGHT YEARS."
- E - ALLS BEING WITH OUT ANY TYPE OF FORMAL LEGAL KNOWLEDGE AND ONLY A 10<sup>th</sup> GRADE (LIMITED) EDUCATION AND BEING NOW INCARCERATED AT THIS INSTITUTION WITH OUT HAVING ACCESS TO ANY TYPE

Premissible Legal Assistance by some one who is Educated in matter of LAW

It is AGAINST The Institutional Policy For one Inmate to Assist AN other INMATE IN legal litigation" Any Inmate doing so IS subjected to disciplinary Action lock up AN segregation AND possible lose of good Time."

Therefore AHS is in A position where he Truly would be Denied Denied meaningful Adequate Access To Court To Litigate This Instant Habeas Action The Records is Required would uphold each AND every Factual Claim Raised by AHS. The Denial of Assistance of Counsel Plus The Inadequate order To Show Cause does clearly Allow The Respondant To continually The gross miscarriage of Justice by The ~~Circuit~~ Court of Randolph County Ala. As the Record if Review would show

Truly Counsel must be Appointed And Case Record Review To bring To AN End this gross miscarriage of Justice see 28 USC §§ 2241, 2243, 2244 (b) 2247 2249 2254 Rules 5+7 As well As 18 USC § 3006A (A) 2(B) Plus McBride v Sharp 25 F3d 967 (11th Cir 1994) Hn 10 And Fn 13-

## concluding

ALLS now submit This INSTANT Petition (Appeal) and also The ORIGINAL motion (Doc #10) before This Hon. COURT for A Review of The RECORD and claim stated here IN.

ALLS is unable To Submit Document in this now case due To his Inability To obtain same both COURT Records And Institutional Rules & Regulation.

There fore ALLS PRAY That this Hon. COURT will obtain And Review The afore mentioned.

Respectfully Submitted  
Billy Gay Alls  
Billy Gay ALLS

## Certificate OF Service

This is to certify that the Afore going has been served upon Respondant Attorney Yvonne A. H. SAXON PROPERLY Addressed And Postage PREPAID by PLACING SAME IN The LEGAL MAIL SYSTEM AT E.C.F.

ON This The 15 day of february 2006

Billy Jay Alls  
Billy GAY Alls

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36130-0152